IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 1342 of 2007

Date of decision: 12.11.2007

Dr. S.P.Puri

..... Petitioner

Versus

Haryana Financial Corporation and others

.....Respondents

Coram: Hon'ble Mr. Justice M.M.Kumar
Hon'ble Mr. Justice Ajay Kumar Mittal

Present: Mr. Neeraj Sharma, Advocate,
for Mr. Manish Jain, Advocate,
for the petitioner.

Mr. Puneet Gupta, Advocate,
for the respondents.

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M.M.Kumar, J.

On 29.01.2007, learned counsel for the petitioner had made the following statement before this Court:-

> " Learned counsel for the petitioner states that father of the petitioner Mr. O.P.Puri had never signed the charge on the property of the company as a Guarantor but only as a representative of the company and, therefore, no liability can be imposed on the petitioner, who is son of Mr. O.P.Puri.
>
> We have made it clear to Mr. Jain that if the aforementioned statement is found to be incorrect then the petitioner shall be burdened with heavy costs in addition to any other proceedings permissible under law.
>
> Notice of motion for 16.03.2007.
>
> Arrest of the petitioner shall remain stayed in the meanwhile.
>
> Certified copy of the order be given dasti on payment of usual charges today itself."

It is thus obvious that on the basis of the statement made by the learned counsel for the petitioner, this Court had issued interim direction. However, in the written statement filed by the respondents, a preliminary objection has been raised. According to preliminary objection No. 2, the statement made by the petitioner through his counsel on 29.01.2007 was false because Mr. O.P.Puri had given guarantee of the aforementioned loan and, therefore, the petitioner, who is legal representative of Sh. O.P.Puri is liable to pay outstanding dues of the Corporation. No replication has been filed to controvert the aforementioned objection made in the written statement.

When the matter came up on 05.11.2007, we have adjourned the hearing on the written request made by learned counsel for the petitioner. Even today, a request for adjournment/pass over has been made on behalf of counsel for the petitioner.

After perusing the writ petition and the written statement filed by the respondents, we are of the considered view that the notice of motion and interim direction were obtained by making a false statement before this Court, which itself is sufficient to deprive the petitioner from hearing of the petition on merits on the controversy raised and the petition is accordingly, dismissed with costs of Rs. 5,000/-.

(M.M.KUMAR)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

November 12, 2007
pj